IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5324 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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RATILAL V SONI

Versus

SAMI SECONDARY SCHOOL

Appearance:

1. Special Civil Application No. 5324 of 1994

MR A.M.DAGLY for Petitioner No. 1

MR DESAI, ASSTT. GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 01/08/2002

ORAL JUDGEMENT

Heard learned Advocate Mr. A.M. Dagly, who states that the petitioner has been acquitted of the criminal charges against him by virtue of an order passed by JMFC, Harij, Camp Sami, in Sami Criminal Case No. 53/93, by virtue of judgement and order rendered on January 24, 2002. Attention of this Court is drawn to the first order passed by this Court on 15.4.1994, by virtue of which respondents were directed to process the paper for the pension within four months from date of

that order and it can safely be presumed that the direction is complied with. Similar order was passed by this Court in C.A 2099 of 1997 on 5.3.1997. This would further strengthen the presumption and legitimate inference can be drawn that the papers are ready. It may be noted that the petitioner had moved for further orders for disbursement of the pensionary dues by preferring various Civil Applications which have all been disposed of without any order in favour of the petitioner. Now that the petitioner is acquitted of the criminal charges levelled against him.

It is stated at the bar by the learned Advocate for the petitioner that administration of respondent No.1 Sami Secondary School is taken over by Patan Mandali and therefore respondent No.2 may be directed to obtain necessary information from that institution, if any such information is required.

Respondent authorities need to be directed to grant the retiral/pensionary benefits to the petitioner which have not been paid to him because of pendency of the criminal trial against him. The respondents are accordingly directed to make the payment of retiral/pensionary benefits to the petitioner within a period of two months from the receipt of the order. Respondent No.2 is also directed to obtain necessary information, if any, is required from the concerned institution. Rule made absolute accordingly with no order as to costs.

The petitioner prays for direct service, which is granted.

(A.L.Dave, J.)

*/Mohandas